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35 USC § 102(b) Rejection - Claims 1 and 6

The Examiner first rejected claims 1 and 6 under 35 USC 102(b) as being "anticipated" by US Patent 6,243,527 (Dawson-Eli). For the reasons discussed below, applicant believes that the Examiner has mischaracterized portions of Dawson-Eli as "reading on" various elements of independent claim 1. Indeed, applicant asserts that independent claim 1 (and also dependent claim 6) remain patentable over Dawson-Eli.

In the rejection, the Examiner cited Dawson-Eli as teaching a "support frame" including: "a floor bottom surface (lower bottom [part indicated near reference number 502]), a first fixed sidewall 506 and a second fixed sidewall 503; a lever arm 504 formed of a relatively low CTE material fixed at a first end to a predetermined pivot point along the support frame bottom surface, a second remaining end (near frit attachment 512) of said lever arm 504 free to rotate about said pivot point (at connection of 503 and 504, must pivot or twist) ... and an expansion element 508 formed of a material exhibiting a relatively high CTE, said expansion element coupled between the second fixed sidewall 502/503 and said lever arm 504". The Examiner concludes that this structure "fully meets Applicant's *claimed* limitations".

This is not correct. The proper definition of the "structure" of Dawson-Eli can be found in the reference at column 5, beginning at line 20. As stated therein, element 502 is a U-shaped low CTE block assembly - not the floor bottom surface of the structure as concluded by the Examiner. The Examiner is correct in characterizing element 506 as a "first fixed sidewall", however, the Examiner is incorrect in characterizing element 503 as a "second fixed sidewall". Dawson-Eli defines element 503 as the base of U-shaped block 502. The Examiner is referred to Dawson-Eli at column 5, line 24 for this definition. Element 504 is characterized by the Examiner as a "lever arm". Again, this is incorrect. Element 504 of Dawson-Eli is defined as the first side of block 502 -- that is, a "first fixed sidewall". Dawson-Eli goes on to state at column 5, line 25 that "first and second sides 504 and 506 are preferably parallel to one another and generally perpendicular to base 503". Dawson-Eli is properly defined as comprising a U-shaped block 502, and an associated high CTE element. There is no separate lever arm disclosed or even suggested by Dawson-Eli.

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It is not clear to the applicant how the Examiner can characterize the "base" portion of the Dawson-Eli arrangement as a "sidewall", particularly when the illustration and specification of Dawson-Eli clearly state otherwise.

Further, the Examiner asserts that element 508 "fully meets" the definition of the expansion element of the claimed invention. Independent claim 1 defines the expansion element as being "coupled between the second, fixed sidewall and said lever arm". Referring to the illustrations of Dawson-Eli, it is clear that high CTE element 508 is disposed adjacent to the full extend of sidewall 504. It is not disposed "between" any two elements of Dawson-Eli. Referring to the Dawson-Eli specification at column 5, beginning at line 28, it states: "assembly 500 also includes a high expansion bar 508 attached to low expansion block 502 at, and generally parallel to, first side 504 of low expansion block 502". Applicant asserts that this arrangement is distinct from that of the present invention, where a high CTE element is disposed between the support arrangement and a lever arm. Indeed, as mentioned above, Dawson-Eli does not disclose the use of a separate lever arm element.

Based on all of these reasons, applicant asserts that Dawson-Eli cannot be found to anticipate the subject matter of independent claim 1, or claim 6 which depends therefrom. Applicant thus respectfully requests the Examiner to reconsider this rejection and find claims 1 and 6 to be in condition for allowance over Dawson-Eli.

35 USC § 103(a) Rejection - Claims 2-5

Claims 2-5 were next rejected by the Examiner under 35 USC 103(a) as being unpatentable over Dawson-Eli, as above. In particular, the Examiner concluded that while Dawson-Eli did not disclose the particular materials as defined in claims 2-5, "these materials are well-known in the art for having durable/useful properties and having either low or high thermal coefficients of expansion", and thus concluded that claims 2-5 were not patentable.

In response, applicant asserts that Dawson-Eli cannot be found to render obvious the subject matter of claims 2-5. Inasmuch as applicant has asserted that Dawson-Eli

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cannot be found to "anticipate" the subject matter of claim 1, from which claims 2-5 depend, it is concluded that claims 2-5 are also allowable over Dawson-Eli.

In light of the above discussion, applicant believe that claims 1-6 are allowable over the cited Dawson-Eli reference. Applicant thus respectfully requests the Examiner to reconsider these rejections and find the claims, in their present form, to be in condition for allowance. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

Henry Huang

By: Wendy W. Koba
Wendy W. Koba
Reg. No. 30509
Attorney for applicants
610-346-7112

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